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A^cN

ENQUIRY INTO THE DANGER OF

Multiplying Incapacities on the Gentlemen of
England to sit in Parliament.

OCCASIONED

By the late Writings in Favour of a *PLACE-
BILL*. In a *LETTER* to a Member of
Parliament.



LONDON:

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(Price Six-pence.)

A. M.

ENQUIRY

INTO THE

DAVAGER

OF THE

By the Hon. Wm. Lubbock, M.P.
Member of the House of Commons
for the County of Middlesex.



LONDON:

Printed for J. Roberts, at the Old Bailey, in Newgate.

(Price sixpence)

*An Enquiry into the Danger of
multiplying Incapacities on the
Gentlemen of England to set
in Parliament, &c.*

S I R,

A BILL for incapacitating Members of Parliament from holding Places under the Crown, must work the greatest Change in our Constitution, which hath been known for some Ages, and, instead of lessening the Power of the Crown, the Consequence of it must be the lessening the Power of the People. A Bill to secure the Freedom of Parliament, by multiplying Incapacities on Englishmen, to set in Parliament, is of the Nature of a Bill to secure the Church, by taking away the Liberty of Conscience : The one must be as dangerous to our Civil, as the other hath always been to our religious Rights.

By the ancient Laws of England, no Man was to find himself in a worse Condition from being a Representative of the People, than had they never conferred that Honour upon him. There was but one Order of Men in England that could not sit in the House of Commons, which was the Clergy ; and the Reason was, they had an House of Representatives, to sit in Convocation, where the Aids of the Clergy were granted to the Crown. There was but one civil Officer who could not be return'd to sit in Parliament, which was the Returning Officer of the Writ of Election ; and even

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this

this was a Grievance loudly complained off, when any Man was appointed *Sheriff*, with a Design to prevent his Election.

By the Statutes of the Kingdom, we find no Laws in former Ages to disqualify Gentlemen from being Members by Reason of any Employment: The Journals of the *House of Commons*, shew the Sense of our Ancestors strongly against every Thing of this Nature: when any one was chosen to sit in Parliament, they asserted it to be both his Right and his Duty to sit there, whatever Employment he held, or whatever Summons he had to attend in any other Station.

In the Commons Journal 8 and 9 *Eliz.* [October 1, 1566.] RICHARD ONSLOW, *Sollicitor-General* to the Queen, being chosen a Member for the Borough of -----, in the County of *Sussex*, the House was moved, that they would use some Means to have him restored to them (he having till that Time attended in the House of Lords) to join with them in the Election of a *Speaker*.

This was not a new Parliament, but the second Session of *Queen Elizabeth's second* Parliament, which having set about eleven Weeks in 1562, was not assembled again till very near *four Years* afterwards. In this long Prorogation the *Speaker* died, and the Lords were possessed of the *Sollicitor-General*, as their Assistant, by the Duty of his Office, in Obedience to the Queen's writ; but the Commons would not allow that Office to vacate his Seat in their House, nor would they chuse their *Speaker* till their Members was restored.

The Journal proceeds, " Notice being given to the Lords, upon Consultation had amongst them, Mr. Onslow was sent down with the Queen's Serjeant at Law, Mr. Carus, and Mr. Attorney-General, to shew for himself, why he should not be a Member

“ *Member of this House, who alledging many weighty Reasons, as well for the Office of Solicitor, as for his Writ of Attendance in the other House, was nevertheless, adjudged to be a Member of this House; and thereupon, the House proceeding to the Election of their Speaker, Mr. Comptroller nominated Mr. Onslow to be Speaker, who humbly disabled himself, as well for Non-ability of Substance meet for that Place, as also for the Oath made to the Queen’s Majesty, and required them to proceed to a new Election; upon whose Arguments the House divided, and the Number to have him Speaker was 82, and the contrary 69; and immediately Mr. Comptroller [Sir Edward Rogers] and Mr. Vice Chamberlain [Sir Francis Knollys] brought him from his Place to the Chair and there set him down.*”

This Passage is full in Point before us, and is the JUDGMENT OF THE HOUSE OF COMMONS *in the Reign of Elizabeth*, that an Office under the Crown could work no Incapacity by the Law of the Land, or by the Law and Usage of Parliament.

In the 23d Year of Queen *Elizabeth*, the *Commons Journal*, January 18, 1580, says, Mr. *Treasurer* declared unto the House, that he and others had just now seen in the other House, one that is a Member of this House, to wit, Mr. *John Popham*, her Majesty’s *Solicitor-General*, being one of the *Citizens of Bristol*; and therefore he moved, that a Message might be sent to the Lords, with Request, that Mr. *Popham* might be forthwith remanded and restored. Upon this Message it was complied with, and the *Solicitor-General* was sent down between the Queen’s *Serjeant Anderson*, and Sir *Gilbert Gerrard*, Attorney-General; and was chosen Speaker.”

It was doubtful whether the Lord Chief Baron

Bell, the former *Speaker*, who died in the Interval of Session, had he been living at the Time of this Meeting of Parliament, could have been discharged of the *Chair* by accepting of that Employment.

In the 35th Year of this Reign, the Usage of Parliament was so well understood, that *COKE*, then *Solicitor General*, did not obey the Writ of Attendance on the *Lords*; but being elected *Knight of the Shire* for *Norfolk*, attended in his Place in the *House of Commons*, and was (says the Journal) *with one full Consent and Voice of the whole House, chosen to be their Speaker*.

It is therefore apparent, that the making the Discharge of any other Trust inconsistent with the Discharge of the Trust reposed in a Member of the *House of Commons*, is a *Novelty* in our Constitution, and a *Modern Abridgment* of the natural and *ancient Rights* of the People, who had Liberty to chuse such Representatives as were most able to serve them; and have in all Ages considered such Men to be so, as enjoyed Publick Offices, or Authority; the Influence of which gives Weight to every Member possessed of such Office or Authority; and their aggregate Power must give an additional Weight to the whole *House*, wherein they are admitted.

The People of *England* judged it their greatest Security, that when they elected Members to represent them in Parliament, they thereby made Choice of the only proper Persons for all the Offices of the Government; thinking they could not safely depend on a just Administration of Government from Strangers, with whose Characters they were entirely unacquainted.

This being the Nature of our Constitution, and the declared Sence of Parliaments in former Ages, it will scarcely be any Advantage to the contrary Doctrine, that it was never broach'd 'till within this Century; that in the *first Instance* thereof, the
Design

Design and Effect of it was to destroy the Rights of the Parliament, the Person of the King, and the Liberties of the People; and that in the subsequent Attempts of this Kind, the Intent was to load the Settlement of the *Protestant Succession*, to make the Descent of the Crown on the *House of Hanover* precarious, and the Government under that Family impracticable.

The first Attempt which ever was made to destroy this *vital* Principle of the ancient *British* Constitution, was the famous SELF-DENYING ORDINANCE of the *long Parliament*, which met in 1641, when this was conceived to be the *leading Motion* to an entire Change of the *legal Frame of Government*. The *Noble Historian* tells us, in the Year 1644, ' That the violent Party which obstructed all the ' Approaches towards Peace, found that they had ' finished as much of their Work, as the Tools ' which they wrought with could be applied to, ' and what remained to be done, must be dispatched ' by new Workmen. They had been long unsatisfied with the *Earl of Essex*, and he as much with them; both being more solicitous to suppress the other, than to destroy the King: They bore the Loss, and Dishonour. He had sustained *Cornwall* very well, and would have been glad that both he and his Army had been quite cut off, instead of being dissolved; for most of his Soldiers and Officers were corrupted in their Affections towards them, and desired nothing but Peace; so that they resolved never more to entrust or employ any of them: But that which troubled them more was, that their beloved *Earl of Manchester*, upon whom they depended as their fast Friend, by whom they might insensibly have divested the *Earl of Essex* of all Authority inconvenient to them, appeared now as unapplicable to their

Purpose as the other; and there was a Breach between him and *Oliver Cornwell*, which was irreconcilable.

The Independant Party, which feared and abhorred all Motions towards a Peace, were resolved to have no more to do with either of their Generals; but how to lay them aside was the Difficulty; especially the *Earl of Essex*, who had been so entirely their Founder, that they owed not more to the Power and Reputation of Parliament than to his sole Name and Credit. He being able to raise an Army, and conducting it to fight against the King, was purely due to him, and the Effect of his Power; and now to put such an Affront upon him, and to think of another General, must appear the highest Ingratitude, and might provoke the Army itself, where he was still exceedingly beloved; and to continue him in that Trust, was to betray their own Designs, and to render them impracticable.

They knew not how to propose the great Alterations they intended to the Parliament; and, of all Men, the *Scottish* Commissioners were not to be trusted. In the End, they resolved to pursue the Method in which they had hitherto been so successful, and to prepare and ripen Things in the Church, that they might afterwards, in due Time, grow to Maturity in the Parliament: They agreed therefore in the *Houses*; and in those Combinations they were always unanimous, that they would have a solemn *Fast-Day*, in which they would seek God, and desire his Assistance, to lead them out of the Perplexities they were in; and they did as readily agree in the Nomination of the Preachers, who were to perform that Exercise, and who were more trusted in the deepest Designs, than those who named them were.

When

' When the *Fast-Day* came, which was observed
 ' for *eight* or *ten* Hours together in the Churches,
 ' the Preachers prayed the Parliament might be in-
 ' spired with those Thoughts as might contribute to
 ' their Honour and Reputation; and that they
 ' might preserve that Opinion the Nation had of
 ' their Honesty and Integrity, and be without any
 ' selfish Ends, or seeking their own Benefit and Ad-
 ' vantage. After this Preparation by their Prayers,
 ' the Preachers, let their Texts be what they
 ' would, told them very plainly, That it was no
 ' Wonder there was such Division amongst them in
 ' their Councils, when there was no Union in their
 ' Hearts: That the Parliament lay under many Re-
 ' proaches, not only amongst their Enemies, but
 ' with their best Friends, who were the more out of
 ' Countenance, because they found that the Asper-
 ' sions and Imputations, which their Enemies had
 ' laid upon them, were so well grounded, that they
 ' could not wipe them off: That there was as great
 ' Pride, as great Ambition, as many private Ends,
 ' and as little Zeal and Affection for the Publick as
 ' they had ever imputed to the Court: That, whilst
 ' they pretended, at the Publick Cost, and out of
 ' the Purses of the poor People, to make a general
 ' Reformation, their chief Care was to grow great
 ' and rich themselves; and that both the City and
 ' the Kingdom took Notice, with great Anxiety of
 ' Mind, *that all the Offices of the Army, all the profit-*
 ' *able Offices of the Kingdom were in the Hands of the*
 ' *Members of the two Houses of Parliament*, who,
 ' whilst the Nation grew poor, as it needs must do
 ' under such insupportable Taxes, grew very rich,
 ' and would, in a short Time, get all the Money of
 ' the Kingdom into their Hands; and that it could
 ' not reasonably be expected, that such Men, who
 ' got so much, and enriched themselves to that De-

' gree, by the Continuance of the War, would
 ' heartily pursue those Ways which would put an
 ' End to it, the End whereof must put an End to
 ' their exorbitant Profit. When they had exaggerated these Reproaches as pathetically as they
 ' could, and the Sense the People generally had of
 ' the Corruption, even to a Despair of ever seeing
 ' an End of the Calamities they sustained, or having
 ' any Prospect of that Reformation in Church and
 ' State, which they had so often and so solemnly
 ' promised to effect, they fell again to their Prayers,
 ' that God would take his own Work into his Hand;
 ' and if the Instruments he had already employed
 ' were not worthy to bring so glorious a Design to
 ' a Conclusion, that he would inspire others more
 ' fit, who might perfect what was begun, and bring
 ' the Trouble of the Nation to a godly Period.

' When the two *Houses* met together the next
 ' Day, after these devout Animadversions, there
 ' was another Spirit appeared in the Looks of many of them. Sir *Henry Vane* told them, If ever
 ' G O D had appeared to them, it was in the Exercise of Yesterday; and that it appeared it proceeded from G O D, because as he was credibly
 ' informed by many who had been Auditors in other
 ' Congregations, the same Lamentations and Discourses had been made in all other Churches, as
 ' had been made before them; which could therefore proceed only from the immediate Spirit of
 ' G O D. He repeated some Things which had
 ' been said, upon which he was best prepared to
 ' enlarge, and besought them to remember their
 ' Obligations to G O D, and to *their Country*; and
 ' that they would free themselves from those just
 ' Reproaches which they could do no otherwise
 ' than by *divesting themselves of all Offices and Charges*, that might bring in the least Advantage and
 ' Profit

' Profit to themselves, by which only they could
 ' make it appear, that they were *publick hearted*
 ' *Men*: And as they paid all Taxes and Impositions
 ' with the rest of the Nation, so they gave up all
 ' their Time to their County's Service, without
 ' Reward or Gratitude.

' He told them that the Reflections of Yesterday,
 ' none of which had ever entered upon his Spirit be-
 ' fore, had raised another Reflection in him than had
 ' been mentioned; which was, that it had often been
 ' taken Notice of, and objected by the King him-
 ' self, that the Numbers of the Members of Par-
 ' liament were too few to give Reputation to Acts
 ' of so great Moment as were transacted in their
 ' Councils, which, tho' it was no Fault of theirs
 ' who kept their proper Stations, but of those who
 ' had deserted their proper Places; yet that, in
 ' Truth, there were too many Absent, tho' in the
 ' Service of the House, and by their Appointment;
 ' and if all the Members were obliged to attend
 ' the Service of the Parliament in the Parliament,
 ' it would bring great Reputation to their Num-
 ' bers; and the People would pay more Reverence,
 ' and yield a fuller Obedience to their Commands;
 ' and then concluded, that he was ready to accuse
 ' himself for one of those who gained by an Of-
 ' fice he had, and tho' he was possessed of it be-
 ' fore the Beginning of the Troubles, and owed it
 ' not to the Favour of the Parliament (for he had
 ' been joined with Sir *William Russell* in the Treas-
 ' urer-Ship of the Navy by the King's Grant)
 ' yet he was ready to lay it down to be disposed of
 ' by the Parliament, and wished that the Profits
 ' thereof might be applied towards the support of
 ' the War.

' When the Ice was thus broke, OLIVER CROM-
 ' WELL, who had not yet arrived at the Faculty of
 speak-

speaking with Decency and Temper, commended
 the Preachers for having dealt plainly and im-
 partially, and told them of their Faults which
 they had been unwilling to hear of, that there
 were many Things upon which he had never re-
 flected before ; yet upon revolving what had been
 said, he could not but confess that all was very
 true ; and till there were a perfect Reformation
 in those Particulars, which had been recommend-
 ed to them, nothing would prosper that they took
 in Hand ; that the the Parliament had done very
 wisely at the Entrance into the War, to engage
 many Members of their own in a most dangerous
 Parts of it, that the Nation might see they did not
 intend to embark them in Perils of War, whilst
 themselves sat securely at home out of Gun-shot ;
 but would march with them where the Danger
 most threatned ; and those honourable Persons
 who had exposed themselves this Way, had me-
 rited so much of their Country, that their Memo-
 ries should be held in perpetual Veneration ; and
 whatsoever should be well done after them, would
 be always imputed to their Examples ; but that God
 had so blessed their Army, that they were grown
 up with it, and under it, many very excellent Of-
 ficers, who were fitter for greater Charges than
 they were possessed of ; and desired them not to
 be terrified with an Imagination, that if the high-
 est Offices were vacant, they should not be able
 to put as fit Men into them ; for, besides, that
 it was not good to put so much Trust in any
 Arm of Flesh, as to think *such a Cause as this*
 depended upon any one Man, he did take upon
 him to assure them, that they had Officers in their
 Army, who were fit to be Generals in any En-
 terprize in *Christendom*.

‘ He

' He said he thought nothing so necessary as to
 ' purge and vindicate the Parliament from the Par-
 ' tiality towards their own Members, and made a
 ' proffer to lay down his Commission of Command
 ' in the Army, and desired that an Ordinance
 ' might be prepared, by which it might be made
 ' unlawful for any Member of either House of Par-
 ' liament, to hold any Office of Command in the Ar-
 ' my, or any Place or Employment in the State ;
 ' and so concluded with an Enlargement upon the
 ' Vices and Corruptions which were gotten into
 ' the Army, the Prophaneness and Impiety, and
 ' Absence of all Religion, the Drinking and Gam-
 ' ing, and all Manner of Licence and Laziness,
 ' and said plainly, that till the whole Army were
 ' new modelled, and governed under a stricter Dis-
 ' cipline ; they must not expect any notable Success
 ' in any Thing they went about.

' This Debate ended in appointing a Committee
 ' to prepare an Ordinance, for the Exclusion of all
 ' Members from their Trusts aforesaid ; which took
 ' up much Debate, and depended very long be-
 ' fore it was brought to a Conclusion, and in the
 ' End was called the SELF-DENYING ORDINANCE ;
 ' the driving on of which exceedingly increased
 ' the Inclination of the other Party to Peace, which
 ' they did now foresee would only prevent their
 ' own Ruin, in preventing that of the King-
 ' dom.'

WHITLOCK, in his Memorial, p. 118, speaking
 of this *Self-denying* Ordinance, says, ' It was
 ' moved by Mr. Zouch Tate, who brought it in
 ' with the Similitude of a Boil upon his Thumb, and
 ' was set on by that Party who contrived the Ou-
 ' sting of the *Earl of Essex*, and to bring on their
 ' own Designs ; and they could find no other Way,
 ' than by passing a *Self-denying Ordinance*, as they
 ' called

‘ called it, which would serve their Turn, both as
 ‘ a specious Pretence of their own Integrity, and
 ‘ waving all Self-Ends, and so plausible to the
 ‘ People; and would also comprehend the *Lord*
 ‘ *General* with the rest, and without naming of him,
 ‘ which for Shame and Ingratitude they could not
 ‘ think fit to be done.

‘ Some of them confessed that this was their
 ‘ Design, and it was apparent in it self; and the
 ‘ Reason of their doing this, was to make Way
 ‘ for others; and because they were jealous that
 ‘ the Lord General was too much a Favourer of
 ‘ Peace, and that he would be too strong a *Sup-*
 ‘ *porter of Monarchy* and of *Nobility*, and other old
 ‘ *Constitutions* which they had a Mind to alter.’

LORD CLARENDON, in giving an Account of the
 Means by which this Ordinance passed both
 Houses, tells us, that ‘ As soon as the Commis-
 ‘ sioners were returned from *Uxbridge*, that a
 ‘ Treaty could be now no further urged, the *In-*
 ‘ *dependant Party* appeared barefaced, and vigo-
 ‘ riously press’d on their *Self-denying Ordinance*,
 ‘ that so they might proceed towards modelling
 ‘ their new Army, by putting out the old Officers.
 ‘ The Debate continued many Days in the *House*
 ‘ *of Commons*, with sharp Reflections upon Things
 ‘ and Persons, whilst the House of Peers look’d
 ‘ on, and attended the Resolution below. Of
 ‘ the *Presbyterian Party*, which passionately opposed
 ‘ the Ordinance, the Chief were *Hollis*, *Staple-*
 ‘ *ton*, *Glyn*, *Waller*, *Long*, and others, who be-
 ‘ lieved their Party much superior in Number;
 ‘ as the *Independant Party* was led by *Nathaniel*
 ‘ *Finnes*, *Vane*, *Cromwell*, *Hastlerig*, *Martin*, and
 ‘ others. Of the House of Peers, there was
 ‘ none thought to be of this last Party, but the
 ‘ *Lord Say*; all the Rest were supposed to be of
 ‘ the

' the *Earl of Essex's* Party; and so it was im-
 ' possible that the Ordinance should ever pass in
 ' the House of Peers, tho' it should be carried
 ' by the Commons. But they were in this, as in
 ' many other Things, disappointed; for many who
 ' had sat silent, and been thought to be of one
 ' Party, appeared to be of the other: They, who
 ' thought they could never be secure in any Peace,
 ' except the King were first at their Mercy, and
 ' obliged to accept the Conditions they would
 ' give him, were willing to change the Hand in
 ' carrying on the War; and many who thought
 ' the *Earl of Essex* behaved himself too impe-
 ' riously, were willing to have the Command in
 ' one who was more their Equal. Many were
 ' willing he should be anger'd and humbled, that
 ' himself might be more concerned to advance a
 ' Peace, which *they thought* he had not been for-
 ' ward enough to do whilst he held the Supreme
 ' Command.

' When the Debate grew ripe, ST. JOHN, PIER-
 ' POINT, &c. who had been thought to be of the
 ' Party of the *Earl of Essex*, appeared for passing the
 ' Ordinance, as the only way to unite the Councils
 ' and to resist the common Enemy, saying they
 ' discover'd by what they heard from abroad, and
 ' by the *Spirit that govern'd in the City*, that there
 ' would be a great Disatisfaction in the People if
 ' this Ordinance were not pass'd. Then they fell
 ' into a high Admiration of the *Earl of Essex*, ex-
 ' tolling his great Merit and seemed to fear, that
 ' the War would never be carried on so happily,
 ' as it had been under him; or if it were, that
 ' the good Success must still be imputed to his
 ' Conduct and Courage, which had formed their
 ' Armies and taught them to fight. By this kind
 ' of Oratory, and professing to decline their own
 ' Inclinations

‘ Inclinations and Wishes, purely for Peace and
 ‘ Unity, they so far prevailed over those who
 ‘ were still surprized and led by some Craft, that
 ‘ the Ordinance was passed in the House of Com-
 ‘ mons, and transmitted to the Peers for their
 ‘ Consent, where no Body imagined it would ever
 ‘ pass.

‘ But what Expectation soever there was, that
 ‘ the *Self-denying Ordinance*, after it had upon so
 ‘ long Deliberation passed the House of Commons,
 ‘ would have been rejected and cast out by the
 ‘ Peers, whereby the *Earl of Essex* would still have
 ‘ remained *General*, it did not take up so long
 ‘ Time there; for after it came to the House of
 ‘ Peers, though whereby the *Earl of Essex* the *Earl*
 ‘ *of Manchester*, the *Earl of Warwick*, the *Earl of*
 ‘ *Denbigh*, (whose Power and Authority, that is,
 ‘ the Power, Credit, and Authority of the three
 ‘ first named, had absolutely govern’d and sway’d
 ‘ the House from the beginning) were to be dis-
 ‘ possess’d of their Commands, and no *Peer of*
 ‘ *England* capable of any Employment, either
 ‘ Martial or Civil, yet the *Self-denying Ordinance*
 ‘ found little Opposition; and the old Argument
 ‘ that the House of Commons thought it neces-
 ‘ sary, and that it would be of mischievous Con-
 ‘ sequence to dissent from the *House of Commons*,
 ‘ so far prevailed, that it passed the House of
 ‘ Peers likewise.

‘ By this *Self-denying Ordinance*, together with
 ‘ the *Earl of Essex*, the *Earl of Manchester*, Sir
 ‘ *William Waller*, the *Earl of Denbigh*, Major Ge-
 ‘ neral *Massy*, lost their Commands, as CROM-
 ‘ WELL likewise should have done. But as soon
 ‘ as the Ordinance was passed, and before the
 ‘ Resignation of the *Earl of Essex*, the Party that
 ‘ steer’d caused him to be sent with a Body of
 ‘ Horse

' Horse into the West, that he might be absent
 ' at the Time when the other Officers deliver'd
 ' their Commissions, which was quickly observed,
 ' and therefore Orders were given to require his
 ' present Attendance in Parliament, and that
 ' their new General should send some other Of-
 ' ficer to attend that Service, which was preten-
 ' ded to be done, and the very Day named by
 ' which it was averred that he would be in the
 ' House. A Rendezvous was then appointed for
 ' their *new General Fairfax* to take a View of their
 ' Troops, that he might appoint Officers to suc-
 ' ceed those who had left their Commands by
 ' Virtue of the Ordinance, and likewise in their
 ' Places, who gave up their Commands and re-
 ' fused to serve in the *new Model*, who were a
 ' great Number of their best Commanders. From
 ' this Rendezvous, the *General* sent to desire the
 ' Parliament, that they would give *Lieutenant Ge-*
 ' *neral CROMWELL* leave to stay with him for some
 ' few Days for his better Information, without
 ' which he should not be able to perform what
 ' they expected from him. The Request seemed
 ' so reasonable, and being for so short a Time,
 ' little Opposition was made to it; and shortly
 ' after by another Letter, he desired, with much
 ' Earnestness, that they would allow *CROMWELL*
 ' to serve for that Campaign. Thus they com-
 ' passed their whole Designs, in being rid of those
 ' whose Affections they knew were not agreeable
 ' to theirs, and keeping *CROMWELL* in Command,
 ' who, in the Name of *Fairfax*, modelled the
 ' Army, and placed such Officers as were well
 ' known to him, and to no Body else, and abso-
 ' lutely governed the whole Martial Affairs.'

The World may now judge with what Intention
 and Tendency Propositions of this Nature are
 usually

usually advanced from this History of the first of this Kind. It will be an eternal Lesson of Instruction, that they are always Jobs of Faction ; always contrived to unhinge the Government of the Kingdom, and never to lay the Foundation of any the publick Good ; but to serve the temporary Ends of selfish Parties, by the most destructive Means, as will farther appear from the fatal Effects of this memorable Ordinance.

WHITLOCK tells us, that the Earls of *Essex*, *Manchester* and *Deubigh*, offer'd to lay down their Commissions, on the 2d of *April* 1645, and that the next Day the *Ordinance* passed both Houses.

It was the fatal Complaint of those Times, that if the Faction which pushed with so much Violence, had been steadily disputed with in either House, they could never have carried their Designs to any destructive Ends ; but they were tamely submitted to by some, whilst others would not attend to give them Contradiction. They grew wanton in their Power, because they had too little Check from Opposition : And when they had borne down and trampled on the constitutional Party, and worried Men into Compliance with their Demands, they barefac'dly boasted all that they had resented as the most infamous Slander.

This was manifest in their Measures to keep their own Creatures in Employments, after this Ordinance had removed the greatest Men in the Kingdom from having any Command.

MAY 10, 1645, both Houses ordered, that *Lieutenant General* CROMWELL should be dispensed with for his personal Attendance, and continue his Service and Command in the Army for *Forty Days* longer, notwithstanding the *Self-denying Ordinance*.

This,

This, says *Whitelock*, was much spoken against by *Essex's* Party, 'as a Breach of that Ordinance, and a Discovery of the Intentions to continue who they pleased, and to remove the others from Commands, notwithstanding their former *Self-denying Pretences*; but the Houses judg'd this fit to be now done.'

May 12 Ordered, That Sir *William Brereton*, Sir *Thomas Middleton* and Sir *John Pryce*, Members of the House of Commons, should continue their Command where they are, for *Forty Days* longer, notwithstanding the *Self-denying Ordinance*

And the *Speaker* was continued *Master of the Rolls*, till after *Trinity Term*.

Infinite are the Instances on this *Journal*, by which they eluded this *Ordinance*, where they had Occasion to continue their own Instruments in Office, and shewed the World what Uses this *Master Piece* of Iniquity was intended to serve.

But the most fatal and tragical Effects of this Project exceeded the Hopes and Expectations of its most sanguine Abettors; for, having divested the Members of both Houses of all Authority in the State or the Army, modelled all the Offices, and chosen out fit Instruments for their Designs; they turn'd that Power against the Parliament which they wrested from the Parliament; and when the Army was commanded by Men, who neither had Interests, in either House, nor Affections to their Authority, that very Army committed Violence upon both Houses, overturn'd the Constitution, overthrew the Publick Liberty, suppressed the House of Lords, secluded the greatest Part of the House of Commons, and vested the Legislative Power in a Military Force, which brought the King to the Scaffold, and subjected the whole People to the most lawless Oppressions.

B

These

These unhappy Divisions were the Cause of all the publick Misfortunes after the Power of the Crown was broken in *Charles the First's* Reign. *Whitelock* says in 1646, after the *Self-denying Ordinance* had passed, ' We may here take Notice ' of the Uncertainty of Worldly Affairs; when ' the Parliament and their Army had subdued ' the common Enemy, then they quarelled amongst ' themselves, the Army against the Parliament; ' when they were pretty well piec'd together again, ' then the Apprentices and others made an Insurrection against the Army and Parliament.

' Thus we were in continual Perplexities and ' Dangers, and so it will be with all who shall ' engage in the like Troubles.'

Again he observes in the Year 1649.

' This was a Year of great Perplexity and Danger as to the publick Affairs in the Cause of the ' Parliament. The publick Business stood on this ' Foot; if the Parliament had lost but one Battle, ' all who were engaged with them had been in ' Danger of Ruin as to their Lives and Fortunes; and tho' they gain'd many Battles, yet ' their Enemies still continued of Power to raise ' fresh Parties and new Troubles against them.

' When they were all subdued, so that not one ' Man appeared in Arms for the King, yet many ' appeared against the Parliament; their own ' Friends turn'd to be their Enemies. Those ' who fought against the King's Party joined with ' the Parliament; and *they* fought together against ' the *Cavaliers*.

' When *they* were subdued, then the same Soldiers fought against their own Masters and Fellow Soldiers; witness the Agitators, Levellers, and Mutineers.

' Those

‘ Those of the Army turn’d Head against them;
 ‘ from whom they had received Commissioners to
 ‘ be an Army, and bent their Arms against those
 ‘ who had empowered them to bear Arms.

‘ We may from hence take Notice, of the vast
 ‘ Hazard Men undergoe by engaging in such Af-
 ‘ fairs as these were, in which the Conquered
 ‘ were ruined, and the Conquerors did thereby
 ‘ but create to themselves new Wars and Trou-
 ‘ bles.

‘ Success rais’d in many of them an Haughti-
 ‘ ness of Mind, and a Roaming of Imagination;
 ‘ every one, or most of them, expected to have
 ‘ his private Fancy to be put in Action, and *to be*
 ‘ *little less than* Princes.

‘ To effect something dreamt on to that Pur-
 ‘ pose, many Wits were working; some were for
 ‘ doing one Thing, some for another, and all were
 ‘ violent in their Way, and brought into several
 ‘ Parties and Factions.

‘ The Army was divided into Levellers and dis-
 ‘ ciplined Soldiers; the Parliament was divided
 ‘ into Royalists and Republicans; the whole Na-
 ‘ tion was divided into Cavaliers and Parliamen-
 ‘ tarians.

‘ The Parliamentarians were again divided into
 ‘ Presbyterians, Independants, Anabaptists, Fifth
 ‘ Monarchy Men, and many other Perswasions,
 ‘ and none but the most miserable of all Cures for
 ‘ the sick State, no uniting of Divisions but by a
 ‘ greater Calamity, by the Sword.

‘ When the King’s Party grew up to any
 ‘ Strength, then those of the Parliament Party
 ‘ united together to oppose the King’s; and when
 ‘ that Work was done, then they fell at Variance
 ‘ among themselves.

‘ Thus we find it was by the precedent Story,
 ‘ and this may be a sufficient Argument that there
 ‘ is neither Safety nor Discretion for any one
 ‘ who can avoid it, to engage in Matters of this
 ‘ Nature.

‘ We who were engaged in those before-men-
 ‘ tioned, were unexperienc’d in these Things,
 ‘ and in the Consequences of them slip’d into
 ‘ them by Degrees, and before many of us were
 ‘ aware of them ; and by being once in, were, by
 ‘ little and little plunged farther in, and knew
 ‘ not how to get out again.

‘ But those that have the Examples and Warning
 ‘ of the Age preceeding, and have in part known,
 ‘ and heard their Fathers relate the Miseries and
 ‘ deep Calamities of the Civil War in their Days,
 ‘ and to both Parties, will be inexcusable if ever
 ‘ they engage in such Affairs ; and may they never
 ‘ again see those sad Days, which have been in
 ‘ those Times whereof we read before.’

I shall add to these Reflections of *Whitelock*,
 Part of his Speech against this Self-denying Or-
 dinance, the first Time when it passed the House
 of Commons.

Mr. Speaker,

‘ I am one of that Number of your Servants,
 ‘ who have no Office or Employment but such as
 ‘ you are now about to except out of this Or-
 ‘ dinance, nor have Ambition for any ; and there-
 ‘ fore may the more freely and indifferently, tho’
 ‘ with all submission, offer my Reasons against it,
 ‘ as that which I apprehend, may prove prejudi-
 ‘ cial to your Service.

‘ It hath been objected that the Members of
 ‘ Parliament who are Officers being of equal
 ‘ Power in Parliament, will not be so obedient to
 ‘ your Commands as others who have smaller In-
 ‘ terest

‘ tereft and would not fo much difpute with one
‘ another.

‘ Surely, Sir, thofe whofe Interests are the fame
‘ with yours, have the more Reason to obey
‘ your Commands than others, and have more
‘ to hazard by Difobedience than others can have,
‘ and in your Commands all your Members are
‘ involved, and it were ftrange if they fhould be
‘ backward to obey their own Orders.

‘ Nor will the Contefts be fo frequent and fo
‘ high between them and other Officers, as it will
‘ be between thofe who will be of a more equal
‘ Condition.

‘ But, *Mr. Speaker*, as you confider the Incon-
‘ veniences if this Ordinance do not pafs, fo you
‘ will be pleafed to confider the Inconveniences
‘ if it do pafs.

‘ You will lay afide as brave Men, and who have
‘ ferved you with as much Courage, Wifdom, Faith-
‘ fulnefs and Succefs as ever Men ferved their
‘ Country.

‘ I fhall conclude with the Examples of the *Gre-*
‘ *cians* and *Romans*, among whom that the greateft
‘ Offices, both of Peace and War, were conferred
‘ upon their *Senators*; and their Reasons were,
‘ becaufe they having greater Interests than others,
‘ were the more capable to do them the greateft
‘ Service.

‘ And having the fame Interest with the Senate,
‘ and being prefent at all Debates, they un-
‘ derftood their Bufinefs the better, and were
‘ lefs apt to break that Truft, which fo nearly
‘ concerned their private Interests, which were in-
‘ volved with the Publick; and the better they un-
‘ derftood their Bufinefs, the better Service might
‘ be expected from them.

‘ Sir, I humbly submit the Application to your
 ‘ Judgment. Your Ancestors did the same ; they
 ‘ thought the *Members of Parliament* fittest to be
 ‘ employed in the *greatest Offices* ; I hope you will be
 ‘ of the same Judgment, and not at this Time pass
 ‘ this Ordinance, thereby to Discourage your faith-
 ‘ ful Servants.

The Mischiefs of those treacherous Projects for new fangling the Constitution had so just an Effect on the succeeding Times, that in all the Contests of *Charles the Second’s* Reign, when the Demands of retrenching the Prerogative grew most high, this Proposition for disabling the Members of Parliament to hold Offices of Trust in the Government, was not one talked of ; nor was it hinted at, till the House of Commons were blown up into a Flame, by the obstinate Refusals of the King to pass the *Bill of Exclusion*.

Nor did that Parliament direct any such Bill to be prepared, but contented themselves with making a *Temporary Order*, to declare their Indignation against of the Power of the *Popish Party*, which then prevailed at Court.

This Resolution appears from the Journal, to have been as follows, *viz.*

Jovis 30, Die Decemb. 1680.

Resolved, *Nomine Contradicente,*

That no Member of this House shall accept of any Office or Place of Profit from the Crown, *without the Leave of this House* ; nor any Promise of any such Office, or Place of Profit, during such Time as he shall continue Member of this House.

Resolved,

That all Offenders herein be expelled this House.

This

This is the only Appearance of any Attempt to disable Members of the House of Commons, which is to be met with in any History or Record, from the Year 1645, till after the Year 1688: And this expired, as those who made it intended that it should, with the Session in which it was declared. Our Ancestors knew from Experience the fatal Effects of any such Project as a Law; and neither the violent Oppositions during *Charles* the 2d's Reign, nor the *Revolution* which banished his unhappy Brother, could give Reputation to a Design which had been so justly abhorred within the Memory of those Times.

But after the Revolution had established King *William* on the Throne, the *Jacobites*, who still retained their Love for an arbitrary Reign, were so wise as to carry on their Schemes, even by the Arts of Men whom they had in Abhorrence, and Remembering well the Success of the *Oliverian Faction*, in changing the Constitution by the Means of the Self-denying Ordinance; they took up the same Resolution in their Turn, and hoped that the *Old Game* which had ruined the Long Parliament, would equally tend to destroy that *Parliamentary Power*, which was the support of King *William's* Reign.

Bishop *Burnet*, in the Beginning of the Year 1692, speaking of the ill Humours which then broke out in both Houses, especially amongst the Lords, tells us [Page 104] “ This was chiefly managed by the
 “ Marquis of *Halifax*, and the Earl of *Mulgrave*;
 “ and they drew in the Earl of *Shrewsbury*, who
 “ was very ill-pleased with the Credit that some
 “ had with the King. — These Lords had all
 “ the *JACOBITES* ready to assist them in every Thing
 “ that could embroil Matters. A great many
 “ *Whigs* who were discontented and jealous of the
 “ Ministry

“ Ministry joined with them. — These Lords
 “ also set on Foot a Proposition, that had never
 “ been offered, but when the Nation was ready to
 “ break out into Civil Wars; and that was that
 “ a *Committee of Lords and Commons* should be ap-
 “ pointed to confer together concerning the State
 “ of the Nation. This once begun, would have
 “ grown in a very short Time to have been a Council
 “ of State, and they would soon have brought all
 “ Affairs under their Inspection; but this was so
 “ strongly opposed, that it was soon let fall.

“ When the Party that was set against the Court,
 “ saw they should carry nothing in either House of
 “ Parliament, they then turned their whole Strength
 “ against the present Parliament, to force a Dissoluti-
 “ on; and in Order to that, they first loaded it with
 “ the Name of an ill Sound: And whereas *Charles*
 “ *the Second's* Long Parliament was called the *Pen-*
 “ *sioner Parliament*, they called this the *Officers Pan-*
 “ *liament*, because many who had Commands in the
 “ Army were of it; and the Word that they gave
 “ out among the People was, that we were to be
 “ governed by a *Stand ng Army* and a *Standing Par-*
 “ *liament*. They tried to carry a BILL that ren-
 “ dered all Members of the *House of Commons* in-
 “ capable of Places of Trust or Profit, so that
 “ every Member, who accepted a should be ex-
 “ pelled the House, and be incapable to be chosen
 “ again to sit in the current Parliament. The
 “ Truth was, it came to be observed, that some
 “ got Credit by opposing the Government, and
 “ that to Silence them, they were preferred; and
 “ then they changed their Note, and were as ready
 “ to Flatter as to find Fault. This gave a spec-
 “ ious Colour to those who charged the Court with
 “ Designs of corrupting Members, or at least of
 “ stopping their Mouths with Places and Pensions.

“ When

“ When this Bill was set on, it went through the
 “ House of Commons with little or no Difficulty.
 “ Those who were in Places, had not Strength or
 “ Credit to make a great Opposition to it, they
 “ being the Persons concerned, and looked upon as
 “ Parties: And those who had no Places, had not
 “ the Courage to oppose it; for, in them it would
 “ have looked like an Art to recommend themselves
 “ to one. So the Bill passed in the *House of Commons*,
 “ but it was rejected by *the Lords*; since it seemed
 “ to establish an Opposition between the *Crown* and
 “ the *People*: as if those who were employed by
 “ the one, could not be trusted by the other.”

Though this Bill was rejected, as the *Reverend*
Prelate relates, yet the Spirit of King *William's*
 Enemies was not subdued, nor their Schemes for
 distressing his Government laid aside. As the Exi-
 gencies of the War, in which he was involved, re-
 quired additional *Customs*, all the Officers of the
 Customs were disabled to sit in Parliament, or to
 interfere in the Elections of Members, by an Act
 11 *W. 3* Cap. 2. Sect. 150. As the Excise was made
 Use of in Aid of the Publick Service, the Officers
 of the Excise were disabled in his 12th and 13th
 Years, Cap. 10. Sect. 87. And such Incapacities be-
 ing tacked to Bills of Supply, neither the King's
 Friends in the *House of Commons* had Courage to
 Dispute the Terms of such Bills; nor could the
House of Lords reject these Bills, without hazarding
 the Fate, both of King and Kingdom, till at Length,
 when such Jobs grew so common as to alarm all
 Men with the Danger of having the Legislative
 Power brought entirely into the Hands of the *Com-
 mons*, and the Negative of the *House of Peers* de-
 stroyed, by tacking whatever was difficult of Di-
 gestion to *Money Bills*, and the Consideration of
 Publick Necessity must oblige them to Swallow every
 Thing

Thing that should be thus sent to them ; they set their Hands at last to a solemn Declaration in the Books of their House, that they would never receive a *Money Bill* with any other tacked to it, and thereby saved the Liberties of this Country, in strenuously adhering to the Liberties of themselves, as an Independant *House of Parliament*.

This most dangerous Practice of *Tacking* Bills of a different and often contrary Nature, prevailed most especially in this Affair of *disabling Members to hold Employment* : A Point which was continually laboured with the Views of the Original *Self-denying Ordinance*, and constantly resumed, as Enemies of the Government flattered themselves with the Hopes of Overthrowing it.

At length seeing that this *disabling Bill* would never pass into a Law by itself ; that the several *disabling Clauses* which they had tacked to particular *Money Bills*, weakned the Crown but in a small Proportion of what they aimed at, they determined to load the *Settlement of the Succession* with the full Weight of the Project, and tacked their *Self-denying Ordinance* to the Law for *entailing the Crown in the Protestant Line*.

Bishop Burnet tells us, that “ when this Parliament was opened in the Beginning of 1701, it appeared that the *French* had a great Party in it. ——— Great Sums came over this *Winter* from *France* ; the Packet-boat was seldom without Ten thousand Louis d’ Ors ; it often brought more. The Nation was filled with them, and in six Months Time a Million of Guineas was coined out of them. ——— A vast Flood of French Gold was visible amongst us ; and upon the *French Ambassador’s* going away, a very sensible Alteration was found in the Bills of Exchange ; so it was concluded, “ that

“ that great Remittances were made to him, and
 “ that these were distributed amongst those who
 “ were resolved to merit a Share in that Wealth
 “ which now came over so copiously, beyond the
 “ Example of former Times.

“ Whilst Things says he again, were in a Fir-
 “ ment all *Europe* over, the declaring a *Protestant*
 “ *Successor* after the *Princess of Denmark*, and such
 “ Issue as she might have, seemed to be forgot by
 “ our Parliament, tho’ the King begun his Speech
 “ with it. The new Ministers spoke for it with
 “ much Zeal, from whence their Friends made In-
 “ ferences in their Favour, that certainly Men in
 “ the Interest of *France* could not promote a De-
 “ sign so destructive of all they drove at. This
 “ was so little of a Piece with the rest of their
 “ Conduct, that such as were still jealous of their
 “ Sincerity, looked on it as a Blind to cover their
 “ ill Designs and gain them some Credit. The
 “ Manner in which this Motion of the Succession
 “ was managed, did not carry with it any great
 “ Marks of Sincerity. It was often put off from
 “ one Day to another, and it often gave Place to
 “ the most trifling Matters. At last when a Day was
 “ solemnly set for it, and all People expected that
 “ it should pass without any Difficulty. HARLEY
 “ moved that some Things previous to that might
 “ be considered. He observed that the Haste
 “ which the Nation was in when the present Go-
 “ vernment was settled, had made us go too fast,
 “ and overlook many Securities which might have
 “ prevented much Mischiefe; and therefore he hoped
 “ they would not now fall into the same Error.
 “ Nothing pressed them at present, so he moved
 “ they would settle some Conditions of Govern-
 “ ment as Preliminaries, before they should pro-
 “ ceed to the Nomination of the Person, that so
 “ we

“ we might fix every Thing which was wanted
 “ to make our Security compleat. This was *po-*
 “ *pular*, and took with many, and it had so fair
 “ an Appearance, that indeed none could oppose
 “ it. Some Weeks were spent upon it. Suspi-
 “ cious People thought that this was done on De-
 “ sign to blast the Motion, and to offer such ex-
 “ travagant Limitations *as should quite change the*
 “ *Form of our Government*, and render the Crown
 “ *titular and precarious*. The King was alarmed
 “ at it; for almost every particular that was pro-
 “ posed, implied a Reflection on him and his Ad-
 “ ministration, chiefly that of not employing
 “ Strangers, and not going too often out of the
 “ Kingdom. It was proposed that very Thing
 “ should be done with the Advice of the Privy
 “ Council, and every Privy Counsellor was to sign
 “ his Advice. *All Men who had Places or Pensions*
 “ *were made incapable of sitting in the House of*
 “ *Commons*. All this was unacceptable to the King,
 “ so many who had an ill Opinion of the De-
 “ sign of those that were now at the Helm, be-
 “ gun to conclude, that the Delays were affected,
 “ and that these Limitations were designed to raise
 “ Disputes between the two Houses, by which
 “ the Bill might be lost. When some Time had
 “ been spent in these Preliminaries, it came to
 “ the Nomination of the Person. Sir *John Bolles*,
 “ who was then disordered in his Senses, and
 “ soon after quite lost them, was set on by the
 “ Party, to be the first that should name the
 “ *Electress Dowager of Brunswick* which seemed
 “ done to make it less serious when moved by
 “ such a Person. He was, by the Forms of the
 “ House, put in the *Chair of the Committee* to whom
 “ the Bill was referr’d. The King was still put
 “ off for many Weeks. At every Time that it
 “ was

" was called for, the Motion was still entertain'd
 " with Coldness, which served to highten the Jeal-
 " lously. The Committee once or twice sate up-
 " on it; but all the Members run out of the
 " House with so much Indecency, that the Con-
 " trivers seemed ashamed of this Management:
 " There were seldom *Fifty* or *Sixty* at the Com-
 " mittee, yet in Conclusion it passed, and was sent
 " up to the Lords, where we expected great Op-
 " position would be made to it. Some imagined
 " the Act was only an Artifice designed to gain
 " Credit to those, who, at this Time, were so ill
 " thought of over the Nation, that they wanted
 " some colourable Thing to excuse their other
 " Proceedings. Some little Opposition was made
 " to it by the *Marquis of Normandy* (since *Duke*
 " *of Buckinghamshire*) and four Lords, protested
 " against it. Those who wished well to the Act,
 " were glad to have it passed any Way, and there-
 " fore would not examine the Limitations that
 " were in it. They thought it of great Impor-
 " tance to carry the Act, and that at another
 " Time those Limitations might be better con-
 " sidered; so the Act was passed."

This Management, which the Bishop so justly
 complains of, is visible on the Journals of both
 Houses; by which it is manifest, that whilst every
 Limitation was proposed, which might make the
 Bill as difficult to pass, as the Succession to take
 Effect on such Terms, the Conductors of this
 great Affair contrived every Delay which might
 throw cold Water upon it, and might by protract-
 ing the Time, leave Room for such Accidents to
 intervene, as might cause it intirely to be laid
 aside.

The King's Speech recommending the Care of
 the Succession, after the *Duke of Gloucester's* Death,
 was

was made to both Houses on the 11th Day of *February* 1700. The Commons, on the 3d of *March*, agreed to the Resolution to declare the further Limitation and Succession of the Crown. The whole Month following was spent in declaring the Limitations of the Government in Ten several Resolutions, which had been already agreed on in a private Cabal, and had no Attendance of Members in the House, either to oppose or debate them. On the 1st Day of *April* 1701, the Bill was read a first Time. On the 12th of *April* they went into a Committee of the whole House upon the Bill, and having made some Progress therein, they postponed the Committee FIVE several Times, and did not return to it again till the 4th Day of *May*. They passed the Bill on the 14th; and the Lords returned it to them without Amendment on the 22d of the same Month; so that the House of Lords spent but EIGHT DAYS in going thro' all the Forms of Parliament on this Bill, tho' the Preparations for bringing it in by the House of Commons, were lengthened out five Weeks, and the passing it full six Weeks, in all ELEVEN WEEKS spent on this Proceeding there; so different were the Affections of the two Houses.

This was the Rise and Progress of the first Law which this Kingdom ever knew, extinguishing the Rights of Members of the House of Commons to hold Employments under the Crown.

It was accordingly one Limitation of the Government under the *Protestant Succession* declared in this Bill, 'That no Person, who should have any Office or Place of Profit under the King, should be capable of being a Member of the House of Commons.'

But it ought to be observed as a Lesson to all Posterity, that the Fathers of these Limitations did
not

not look upon them as Rules necessary to Government, or binding to their own Consciences; and particularly that the *great Man*, who, with so much Subtlety, proposed them in the *House of Commons*, and so pathetically complained of the bad Effects which had flowed from giving Employments to Members of Parliament: This very Patriot who made this memorable Figure in 1701, did himself within three Years afterwards, (in May 1704) not only as *Member of the House of Commons*, but in the Capacity of *SPEAKER*, accept the Office of *Principal Secretary of State*; and gloried so much in these Acts of Contradiction, that seven Years afterwards, when he was promoted to the Peerage, he caused it to be inserted to his Praise, in his Patent of Creation, *that he had reconciled two such difficult Offices in his own Person*, tho' he had loaded the *Act of Succession* with a Clause, *that they never should meet again in any other Person*.

The *Tories*, by their unexampled Abuse of Power, had lost the Hearts of the People, and the Favour of the Crown. The Lord *Treasurer*, GODOLPHIN, entered into an Alliance with the best and greatest of the *Whigs*. The Administration became entirely of that Complexion; and to satisfy the *Whigs* that their Principles were sincerely adopted by the Court, it was now resolved to make the *Succession* practicable, by *explaining the Limitations of the Act of Settlement*, and by promoting the UNION of SCOTLAND.

Accordingly, in the *fourth* Year of that Reign, after the Consideration of so much Time employed in the great Concern of our Settlement; after all Allowances had been made to the Complaints of *new-invented* Offices, and to the Apprehension that Employments would still encrease the Burden and Grievance of the People; after all due Weight had been given to the popular Argument, that Men
whom

whom the People had elected to represent them, changed their Condition without the Consent of their Constituents, and accepted Employments at Court, without regarding the Approbation of their Country ; after all these Considerations, the Wisdom of the Parliament explained and amended the disabling Clauses of the Act of Settlement.

By this Act of the *Fourth Year* of the Queen, *Cap. 8.* entituled, *An Act for the better Security of her Majesty's Person and Government, and of the Succession to the Crown in the Protestant Line*, it was enacted,

‘ That from and after the Dissolution or Determination of the present Parliament, no Person who shall in his own Name, or in the Name of any other in Trust for him, hold any new Office, or Place of Profit whatsoever under the Crown, which at any Time hereafter shall be created or erected, or any Person who shall be a Commissioner or Sub-Commissioner of Prizes, or Secretary or Receiver of the Prizes, nor any Comptroller of the Accounts of the Army, nor any Commissioner of Transports, nor any Commissioner of the Sick and Wounded, nor any Agent for any Regiment, nor any Commissioner for Wine-Licencies, nor any Governor or Deputy of any of the Plantations, nor any Commissioner of the Navy, employed in any of the Out-Ports, nor any Person having any Pension from the Crown during Pleasure, shall be capable of being elected, or of sitting, or of voting, as a Member of the House of Commons, in any Parliament which shall be hereafter summoned.’

The Act having thus declared who shall be incapable of being elected, provides in the next Place, in what Manner others who are *not within the Description* of this Clause, shall be capable of sitting in the House of Commons : And accordingly it is,

‘ Provided always, that if any Person being chosen
 ‘ fen

' sen a Member of the *House of Commons*, shall at
 ' any Time, after the Dissolution or Determination
 ' of the present Parliament, accept of any Office of
 ' Profit from the Crown, during such Time as he
 ' shall continue a Member, his Election shall be,
 ' and is hereby declared to be void, and a new
 ' Writ shall issue for a new Election, as if such Per-
 ' son was naturally dead: Provided nevertheless,
 ' that such Person shall be capable of being elected,
 ' as if his Place had not become void, as aforesaid.
 ' Provided also, and be it enacted, that, in order
 ' to prevent for the Future *too great a Number of*
 ' Commissioners to be appointed or constituted for
 ' the executing of any Office, no greater a Number
 ' of Commissioners shall be made or constituted for
 ' the Execution of any Offices, than have been em-
 ' ployed in the Execution of such respective Offices
 ' at some Time before the first Day of this present
 ' Session of Parliament.'

This Law was grounded upon a fundamental and
constitutional Principle, that publick Officers in gene-
 ral *ought not to be excluded* from sitting in Parliament,
 if the People thought proper to chuse them; and
 that *the Bulk and Weight* of Publick Officers *ought to*
be capable of sitting in Parliament.

But, in Consideration that a long continued War
 had increased the Number of Officers in all the
 Branches of the Publick Service, some Restraint
 seemed necessary; for which Reason such Officers
 as were of *Modern Institution*, were declared inca-
 pable of taking the Benefit of the *ancient Constitution*,
 and were excluded from Seats in the *House of Com-*
mons, not meerly as *Officers*, but as *new Officers*, that
 the People might not be aggrieved by the Multipli-
 cation of Employments.

It will be rehearsed by Posterity with equal Won-
 der and Indignation, that the *Tortes*, who had been
 C the

the Fathers of such *Disabling Laws*, under the Presence of restraining the undue Influence of the Crown, had the shameless Front to oppose them in their own Time of Power ; and that when this Bill was thus promoted, *under a Tory Administration*, they exerted all their Might to qualify it with a *Clause*, that it should not take Place 'till after the *Protestant Succession*.

BISHOP BURNET imputes the Demand for this Bill at that Time (for the Spirit of passing it was almost irresistible in the *House of Lords*) to the great Provocations of that Ministry, and to the barefaced Violation of the Liberties of Parliament, by making TWELVE PEERS IN ONE DAY, to over-power the Majority of the *House of Lords*, whilst the Corruption of the Court-Party was so flagrant, and their Iniquities so enormous, that the Mercenaries of that Administration had not only *standing Pensions*, but (as he tells us) *Bribes for every single Vote*.

From this Review of History, we are now to judge of the important Question, *Whether the Number of Officers in the House of Commons is not already sufficiently limited* ; and whether we ought not to remain satisfied with the *Laws in Being*, especially considering that the Act under which we are governed in the Point before us, had *twice the solemn Sanction of Parliament*, and was a second Time enacted by the Parliament, which sat *after the Union* of both Kingdoms, that the Operation of it might not be confined to one Part of *Great Britain* only ; and accordingly it passed both *Houses*, and had the Royal Assent in the *Sixth Year of the Queen*.

There is nothing can be considered as a more essential Part of our Settlement, than this Law under which the *Protestant Succession* took Place, and happily became established. And it may be questioned whether this Establishment could ever have been effected,

sected, had the *disabling* Clause of the *first Act* of *Settlement* continued unrepealed.

It will be the natural and warrantable Ambition of the *best Gentleman* in this Country, not only to represent the People, but execute the Publick Offices. If these Trusts are at any Time divided, and if Persons who execute the one, are made incapable of the other, the Misfortune will be, that the Weight of Families and Fortunes will entirely fall into one Scale or the other ; and either the *House* of *Commons* must be unworthily composed, or all the Employments of the Publick *unworthily supplied*.

If the *Commons* are incapable of administering any Office of the Government, it must then naturally fall into the Hands of the Nobility : And the Weight of the Power will be so great in the Hands of the *Lords*, that this alone must destroy the Liberty of the Constitution.

If the *Lords* and *Commons* are equally disabled to hold Employments in the State, the Weight of Power will then fall into the Hands of a *separate Party*, and will create a *separate Interest*, which will be always attended with infinite Mischiefs, and may probably terminate in the Destruction of the Liberties of Parliament.

Whilst Gentlemen of great Estates and Interest in the Counties of *England*, shall, by Reason of their Credit and Weight in their Counties, be the only Persons thought capable of holding Employments in the State, the Power of Employments will not be directed to hurt the Liberties of the People ; because the Gentlemen who discharge them are interested in the most faithful Execution of them.

But if ever Gentlemen of such Estates and Interests with the People, shall be the *only Men* in *England* incapable of holding Publick Employments, all the Offices must be filled with others, who will

have a less Concern in the Liberty and Happiness of their Country, and must be more easily drawn into Measures against that *common Interest*, in which their own Share is so much less considerable.

It will not answer this Argument, to say that there is no Design to make Gentlemen of the House of Commons incapable of *all Employments*. If the Proposition is to make them incapable of the greatest Number of *Employments*, it will be the same Grievance ; it will deprive the *House of Commons* of its Weight in the Government of this Country.

The Liberties of *England* were always preserved by the Weight of the House of Commons. But this Weight was not in all Ages the same, and therefore their Liberties were not always the same. Before the Union of the Houses of *York* and *Lancaster*, the *Lords* and *Clergy* shared the Lands of *England* between them ; the Commons, tho' they were a Branch of the Legislature had the least Share of the Legislative Power ; but their Share of Power encreased as the Lands of the *Nobility* and of the *Clergy* diminished. The Reign of *Henry the Seventh* gained them great Advantage of the *Lords*, and the Reign of *Henry the Eighth* destroyed the Tyranny of the *Church*.

It was therefore in *Queen Elizabeth's* Reign that the *Lands of England* appeared to be justly balanced ; but here again the *Commons* were weighed down, by the constant Measure of her Reign, in trusting the whole Authority of the Government in the Hands of the *Lords*. She called them to their *Council*, where they exercised even Legislative Power. She called them to the Court of *Star-Chamber*, where they enforced by *Pillory*, *Fine*, and *Imprisonment*, the Laws which they had issued from the Council Board in the Form of *Proclamations*.

mations. They were trusted in all Offices. They had *Grants of all Wards*, whereby every great and wealthy Family amongst the Commons was brought under their Dominion, and the Heirs disposed of in Marriage, as best suited their Interest, and the Issues of their Estates received and applied without Account, by the Grantee of the Custody.

What the Weight of the *Land* anciently was, the Weight of Employments must be; and let it be thrown into any Scale whatsoever, it will still weigh down the Scale which it opposes. Make any two Parties equal in Lands, yet add Employments to one of them, it will not be a Moment's Doubt which of the Two is strongest. And as a *House of Commons*, whose Members are trusted with the Publick Offices, must have greater Weight than an *House of Commons* without them: So that *House of Parliament*, which shall be disabled to hold Employments, would soon be made sensible of its Weakness, by the Superior Strength of *that House* which shall retain them.

As an *House of Commons*, whose Members are trusted with Employments will be strongest, so the Employments trusted in such Hands, will be safest to the Publick. Give Offices to a Body of Men possessing Property, the natural Regard for the Preservation of their Property, will oblige them to a faithful Discharge of their Trust. But give the same Offices to Men less interested in the faithful Discharge of this Trust; 'tis easy to see, that when they are without the *Obligation*, they will soon be without the Virtue of a faithful Behaviour.

Come then to the other Enforcement to Fidelity in the Service of the Publick; the Power of a Parliament to punish those who are wanting
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in Duty. And can it be thought that an House of Commons, which hath lost so much of its Weight, will obtain more Justice for the Publick, or render more Service to their Country, when they are to contend with a *separate Interest*, vested with *separate Power*? Was not this very Case their Condition once with Regard to the Church? And did they not find the *Clergy* so strong by their Weight of *publick Employments*, that the *Parliament Roll* of the 25th of *Edward 3.* [*Palm. 22. Numb. 15.*] contains the Petition, both of the *Lords* and the *Commons*, praying, that the *principal Offices of the Kingdom might henceforth be executed by the Laity.*

Consider therefore, Sir, that Power is of the same Nature, and hath the same Effects wherever it shall be trusted. What the Clergy were to the Laity, one House of Parliament would be to the other, were either of them made incapable of holding publick Employments. And as formidable would be *any other Body* of Men, if the whole Parliament disabled itself, and thereby a *separate Power* should rise in the State.

Allow me to affirm, that *England* must trust it self to an *English House of Commons*, and that we have no other Means of Preservation. To that great Assembly must be referred the *making of Laws* and to the Members thereof must be committed the *Execution of them*. But if ever this Share of the Government be taken from that House, and the publick Employments are trusted with Men less able or less interested to Discharge them with Reputation and Fidelity, the greater Proportion of their Power is lost, and what they deprive themselves of, will stand in Obstruction to what they still retain.

The Objection of Dependance on the Crown arising from Trusts of this Nature, is merely invidious;

invidious; for a Gentleman of *One thousand Pounds per Annum* in his own Right, will never lessen the Security of his Estate on any Consideration, even of double the Sum enjoyed by Favour. He may serve the King with greater Affection for the Honour or Advantage accruing to him; but if he hath human Reason, he will not balance a Moment, when his only Option must be, whether he will Hazard his Liberty and Fortune, or his Employment.

Add to this, that if Employments could create undue Dependance, the Struggle for them must create as unjust an Opposition, which would balance the Weight of it, and would leave the disinterested Party to decide whatever should be disputed; but if there might be greater Dependance arising from Employments than ought to be approved of in a *British* Parliament, the People have it still in their Power to Remedy this Grievance on every new Election, by chusing Men of greater Fortunes, less liable to be Dependent; or Men of greater Integrity, less capable of being so. And on the whole, the Inconveniencies which can arise by undue Influence, must be infinitely less than the Mischiefs of making a *House of Commons* incapable of publick Employments; for it is impossible that all which the Crown can bestow, will even provide for *Half* the House of Commons; and we have at no Time seen above *Two hundred sixty* Officers in Parliament since the Union of the Two Kingdoms; and of such Officers as have at any Time sat in the House of Commons, few of them were other than Men of great *Independent* Fortunes.

The *Roman* Commonwealth was attended with perpetual Struggles on this very Point, that the People might share the great Offices with the Nobility; and they gained continually in these Contests:
But

But had it been told them, that any Man who gave his Voice in the making of Laws, ought to be incapable of all Employments in the State; they, who so fiercely contended for this popular Privilege of being admitted to Offices, would have treated the Authors of such a Proposition as the worst Enemies to the *Roman People*.

In Fact; such a Proposition never was offered in any Country for the Service of the People. We have the clearest Evidence, that Projects of disabling Members of Parliament, were always intended to change the Constitution, and especially within these fifty Years past, to destroy the Protestant Succession. As these have ever been the Intentions, I shall always be afraid of such Tendencies in the Case of every Bill of this Kind, and am, for these Reasons, heartily concurring with the Opinion of those Parliaments, which have hitherto (as I think) to their Honour rejected it.

I am

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Your most humble Servant.

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